



DT05 Rec'd PCT/PTO 13 NOV 2002  
Attorney Docket No. 54704.8020.US01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First-Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: November 6, 2002

By: Niyahni Grace

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: PESTKA, Sidney *et al.*  
APPLICATION No.: 10/088,143  
FILED: AUGUST 6, 2002  
FOR: CYTOMEGALOVIRUS-ENCODED IL-10 HOMOLOG

EXAMINER:

ART UNIT:

**RECEIVED**

DEC 10 2002

TECH CENTER 1600/2900

**REQUEST FOR CORRECTED FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants respectfully request that a Corrected Filing Receipt issue for the above-referenced application. The Filing Receipt mailed by the U.S. Patent and Trademark Office on September 13, 2002 does not indicate the correct priority data and title of the application.

Please correct the Filing Receipt to reflect the following:

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A 371 OF PCT/US00/24213 09/01/2000  
WHICH CLAIMS BENEFIT OF 60/152.062 09/02/1999

**Title**

**Cytomegalovirus-encoded IL-10 Homolog**

A copy of the Filing Receipt with corrections marked in red is enclosed herewith for your convenience.

Also submitted herewith as support of the correct priority claimed are copies of the Transmittal Letter to the U.S. Designated/Elected Office and the Transmittal Letter to the U.S. Receiving Office indicating International Application No. **PCT/US00/24213** with an international priority date of **September 1, 2000**.

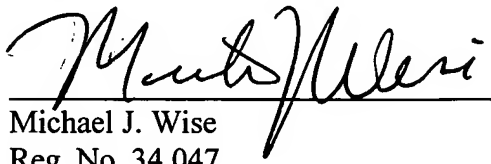
In addition, please find enclosed a copy of the first page of the Transmittal Letter to the U.S. Receiving Office for the international patent application PCT/US00/24213, showing the title "**Cytomegalovirus-Encoded IL-10 Homolog**."

If you have any questions or comments, please do not hesitate to contact the undersigned.

Applicants believe that no fee is necessary at this time. However, if any fees are associated with this request, the Commissioner is authorized to charge the necessary amount from Deposit Account No. 50-0665.

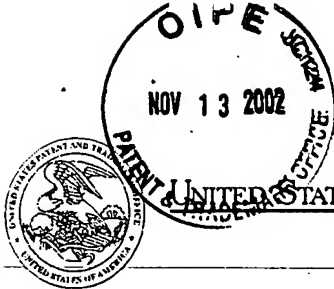
Respectfully submitted,  
Perkins Coie LLP

Dated: 11/5/02

By:   
Michael J. Wise  
Reg. No. 34,047



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Page 1 of 2  
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**DOCKETED**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/088,143	08/06/2002	1648	546	271/294	9	13	6

CONFIRMATION NO. 1454

22249  
LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

**FILING RECEIPT**



\*OC00000008785943\*

Date Mailed: 09/13/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Pestka Sidney, North Caldwell, NJ;  
Kotenko Sergei V., East Brunswick, NJ;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A 371 OF PCT/US00/213-08/03/2000  
WHICH CLAIMS BENEFIT OF 60/152,062 09/02/1999

~~(\*) Data provided by applicant is not consistent with PTO records~~

**Foreign Applications**

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Cytomegalovirus-encoded  $\Delta$ 10 homolog  $\Delta$



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PGI  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,143	Pestka Sidney	271/294

22249  
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INTERNATIONAL APPLICATION NO.	
PCT/US00/24213	
I.A. FILING DATE	PRIORITY DATE
09/01/2000	09/02/1999

CONFIRMATION NO. 1454

371 ACCEPTANCE LETTER



\*OC000000008785944\*

Date Mailed: 09/13/2002

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494  
OR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

08/06/2002  
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

08/06/2002  
DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements